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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1957

No. [redacted] 583 MISC.

JOHN P. KINSEY, individually, and as a director and stockholder of Monroe Paper Products Company, and LAWRENCE G. KUNKEL and THE WATERBURY CORRUGATED CONTAINER CO., individually and as stockholders of said Monroe Paper Products Company,

Petitioners,

v.

BURTON S. KNAPP, CHARLES E. RANEY, GEORGE A. BLUM, DON B. LEATHERS and ARTHUR W. SEMPLINER, individually and as directors, officers and stockholders of Monroe Paper Products Company and as Trustees under a Voting Trust Agreement dated December 31, 1953,

Respondents.

MOTION FOR LEAVE TO FILE PETITION FOR COMMON LAW WRIT OF CERTIORARI

GEORGE E. BRAND,
3709-23 Cadillac Tower,
Detroit 26, Michigan,
Attorney for Petitioners.

GEORGE E. BRAND, Jr.,
Of Counsel.

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BURTON S. KNAPP, CHARLES E. RANEY, GEORGE A. BLUM, DON B. LEATHERS and ARTHUR W. SEMPLINER, individually and as directors, officers and stockholders of Monroe Paper Products Company and as Trustees under a Voting Trust Agreement dated December 31, 1953,

Respondents.

MOTION FOR LEAVE TO FILE PETITION FOR COMMON LAW WRIT OF CERTIORARI

Petitioners move the Court for leave to file their Petition for Writ of Certiorari, separately bound and presented to the Court herewith dated February 27, 1958, insofar as said petition invokes the jurisdiction of this Court to issue common law writ of certiorari under 28 USC § 1651(a) and Supreme Court Rule 19(b).[1]

Petitioners are in doubt whether, under the circumstances, this motion is required in view of the fact that

[1] See pages 2 and 32 of said petition.

said petition also invokes the jurisdiction of this Court under 28 USC § 1254(1).

John P. Kinsey
Lawrence G. Kunkel
The Waterbury Corrugated
Container Co.
Petitioners

By GEORGE E. BRAND,
Their Attorney

GEORGE E. BRAND,
Attorney for Petitioners,
3709-23 Cadillac Tower,
Detroit 26, Michigan.

GEORGE E. BRAND, Jr.,
Of Counsel.

Dated February 27, 1958.

IN THE

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Petitioners,

v.

HONORABLE CHARLES C. SIMONS, CHIEF JUDGE, and HONORABLE SHACKELFORD MILLER, JR., and HONORABLE FLORENCE E. ALLEN, JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT,

Respondents.

BRIEF IN OPPOSITION TO MOTION FOR LEAVE TO FILE PETITION FOR COMMON LAW CERTIORARI

We concur in the doubt petitioners express as to the propriety of their motion for leave to file their petition for statutory certiorari as if it was a petition for common law certiorari.

If the court below should have made some different disposition of this case on the incomplete record which was brought to it, it would seem that the usual channels of review afford petitioners adequate relief so that there is no

occasion for common law certiorari. We urge that this motion be denied.

Dated: Detroit, Michigan, March 31, 1958.

Respectfully submitted,

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